

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KIM S. SMITH,

Plaintiff,

v.

**DEBORAH HARDWICK
GROSSMAN, R.N., B.S.N., J.D.,**

Defendant.

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CIVIL ACTION NO. 3:07-cv-248-WHA

MOTION TO DISMISS THE THIRD AMENDED COMPLAINT

COMES NOW the Defendant Deborah Hardwick Grossman, by and through counsel,
and files this Motion to Dismiss the Third Amended Complaint and states as follows:

1. The Motion to Amend is not timely.
2. The Third Amended Complaint fails to state a cause of action.

Respectfully submitted this the 14th day of February, 2008.

/s/ George L. Beck, Jr.
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OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the Alafile system, which will send notification of such filing to the following:

Jackson B. Harrison, Esq.
The Harrison Firm, L.L.C.
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By: /s/ George L. Beck, Jr.
GEORGE L. BECK, JR. (BEC011)